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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			CANGIALOSI, SALVATORE A	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,933

Applicant(s)

BRATTON ET AL.

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/50/02, 2/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-60 are rejected under 35 U.S.C. § 103 as being unpatentable over Mages et al(5892825) or Mages et al(6185306) in view of any of Secord et al(6373831), Patel(6374355), or Foladare et al(5819160).

Regarding claim 1, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a method for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is

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noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding the wireless limitations of claim 2, any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates. Regarding deleting limitations of claim 3, it is obvious to delete played media files due the limited storage capacity of mobile wireless devices. Regarding storage limitations of claim 4, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a

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media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding the component limitations of claim 5, conventional computer components include docking stations that are conventional functional equivalents of the claim limitations. Regarding transmission limitations of claim 6, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding description limitations of claim 7, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 8, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose playing media

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files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key. Regarding claim 9, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a method for preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding sequencing limitations of claim 10, either Mages et al (See 825, Abstract,

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Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 11, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncripling is based on employing a key. Regarding transmission limitations of claim 12, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding storage limitations of claim 13, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims

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1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding storage limitations of claim 14, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel from a server that is conventional functional equivalent of the claim limitations. Regarding claim 15, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to

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practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al(See Figs. 2-5), Patel(See Fig. 2), or Foladare et al(See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding the wireless limitations of claim 16, Any of Secord et al(See Figs. 2-5), Patel(See Fig. 2), or Foladare et al(See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates. Regarding deleting limitations of claim 17, it is obvious to delete played media files due the limited storage capacity of mobile wireless devices. Regarding sequencing limitations of claim 18, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 19, either Mages

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et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key. Regarding the memory limitations of claim 20, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding configuration limitations of claim 21, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that could obviously be wireless that is conventional functional equivalent of the claim limitations. Regarding termination limitations of claim 22, any of Secord et al (See Figs. 2-5),

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Patel(See Fig. 2), or Foladare et al(See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates. Regarding the memory limitations of claim 23, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and stored in a memory means that are conventional functional equivalents of the claim limitations. Regarding removable memory limitations of claim 24, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and stored in a memory removable means that is conventional functional equivalent of the claim limitations. Regarding memory limitations of claim 25, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-

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65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and stored in a memory means that is

conventional functional equivalent of the claim limitations.

Regarding claim 26, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding the

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wireless limitations of claim 27, Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations. Regarding playback limitations of claim 28, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding the deletion limitations of claim 29, it is obvious to delete played media files due the limited storage capacity of mobile wireless devices. Regarding sequencing limitations of claim 30, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding sequencing limitations of claim 31, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and

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12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding claim 32, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a server means for preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding sequencing

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limitations of claim 33, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 34, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncripling is based on employing a key. Regarding transmission limitations of claim 35, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding transmission limitations of claim 36, either Mages et al (See

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825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding storage limitations of claim 37, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding storage limitations of claim 38, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel from a server that is conventional functional equivalent of the claim limitations. Regarding claim 39, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col.

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4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding player limitations of claim 40, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and subsequently played that is conventional functional equivalent of

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the claim limitations. Regarding reconstruction limitations of claim 41, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding the transceiver limitations of claim 42, any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates. Regarding configuration limitations of claim 43, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 44, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3,

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and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key. Regarding the request limitations of claim 45, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding the configuration limitations of claim 46, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding the wireless limitations of claim 47, any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim

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limitations. Regarding the memory limitations of claim 48, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding the memory limitations of claim 49, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding the wireless limitations of claim 50, any of Secord et al (See Figs. 2-5), Patel(See Fig. 2), or Foladare et al(See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations. Regarding claim 51, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose a means for playing media files from two portions, each of which is unusable

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as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding key limitations of claim 52, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncripling is based on employing a key. Regarding claim 53, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19)

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or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a computer medium method for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding the wireless limitations of claim 54, any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates. Regarding deleting limitations of claim 55, it is obvious to

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delete played media files due the limited storage capacity of mobile wireless devices. Regarding storage limitations of claim 56, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding the component limitations of claim 57, conventional computer components include docking stations that are conventional functional equivalents of the claim limitations. Regarding transmission limitations of claim 58, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding description limitations of claim 59, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose playing media files from two portions, each of

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which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 60, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncripling is based on employing a key.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571)272-6712**.

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